UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHRISTOPHER JOHNSON,

       Plaintiff,

v.   Case No.: 2:19-cv-640-FtM-38NPM

THE STATE OF FLORIDA,

       Defendant.
_____/

ORDER[1]

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation. (Doc. 9). Judge Mizell recommends denying the Affidavit of Indigency (Doc. 2) and dismissing the Amended Complaint (Doc. 8). Neither party objects to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.*

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After examining the file independently, and upon considering Judge Mizell's findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

(1) The Report and Recommendation (Doc. 9) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.

    a. The Affidavit of Indigency, construed as a motion to proceed in forma pauperis (Doc. 2), is **DENIED**.

    b. The Amended Complaint (Doc. 8) is **DISMISSED**.

(2) The Clerk is **DIRECTED** to close the file.

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of January 2020.

SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

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